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6 **UNITED STATES DISTRICT COURT**
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EASTERN DISTRICT OF CALIFORNIA

9 CALVIN J. LEAVY, JR.,

CV F 05-00314 AWI SMS HC

10 Petitioner,

ORDER DIRECTING RESPONDENT TO
SUBMIT COMPLETE COPY OF COURT OF
APPEAL'S DECISION DATED, FEBRUARY
9, 2004

11 v.

12 R. KIRKLAND,

13 Respondents.
14 _____ /

15 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus
16 pursuant to 28 U.S.C. § 2254.

17 The instant petition is ready for review on the merits. However, in reviewing a copy of
18 the state court records submitted by Respondent, the copy of the Fifth District Court of Appeals
19 opinion, dated February 9, 2004, is incomplete. It only contains a copy of the odd numbered
20 pages. Accordingly, within **five (5)** court days from the date of service of this order, Respondent
21 is directed to re-submit a complete copy of the Court of Appeal's decision, dated February 9,
22 2004.

23 IT IS SO ORDERED.

24 **Dated: October 10, 2006**
25 icido3

/s/ **Sandra M. Snyder**
UNITED STATES MAGISTRATE JUDGE